energis

June 12,2006

Missouri Department of Natural Resources
Hazardous Waste Program
Attn: Robert Clay
P.O. Box 176
Jefferson City, MO 65102

RE: Holcim (US) Inc./EnergisLLC
RCRA ID# MOD029729688
Railcar Variance Petition and Railcar Management Plan

Dear Mr. Clay:

Holcim (US)/Energis LLC are petitioning the Missouri Hazardous Waste Commission for a variance from the requirements of 10 CSR 25-7.264 (3)(B)2. Enclosed with this cover letter are the Petition, a Management Plan for Rail Tank Cars, and associated inspection and inventory documents.

As we spoke about on the telephone, I am not attaching Sections 5 and 6 from our Part B Application (Contingency Plan and Preparedness and Response Plan) as you have electronic copies of these documents.

I appreciate the assistance you, Mr. Assem Abdul and Ms. Darleen Groner have provided in helping us to prepare this petition for your review and presentation to the Hazardous Waste Commission.

Please contact me at either of the telephone numbers below if you have any questions or need additional information.

Sincerely,

Randy Thomas

Randy Thomas,
EH&S Manager, Energis LLC
573-242-3585, ext. 116 (office)
636-209-0675 (cell)

cc: Paul Detterline, Environmental Manager, Holcim-Clarksville

Energis LLC
14744 Highway 79 North
P.O. Box 456
Clarksville, MO 63336
(573) 242-3585
Fax: (573) 242-3762

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

HAZARDOUS WASTE COMMISSION

In re:	)	
	)	
Holcim (US) Inc./Energis LLC		
Clarksville, MO.	)	**No.**
	)	
Petitioner.	)	
	)	

Petition for Variance from 10 CSR 25-7.264 (3)(B) 2.

Comes now, Holcim(US) Inc./Energis LLC, (collectively Petitioner), and, in accordance with Missouri Revised Statutes, Chapter 260, Section 260.405, petitions the Hazardous Waste Commission, (Commission), for a variance from the requirements of 10 CSR 25-7.264 (3)(B) 2, which is applicable to owners and/or operators of hazardous waste facilities. In support of said Petition, petitioner says as follows:

Location and Operations of the Facility

1) Holcim (US) Inc. (Holcim) operates a cement manufacturing facility and Energis LLC , a wholly owned subsidiary of Holcim (US) Inc., operates a Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) (collectively the Facility), located on Highway 79 North, two (2) miles north of Clarksville, Missouri. .The Facility consists of ± three thousand six hundred (3,600) acres located in Pike County, Missouri. The cement manufacturing facility was originally constructed in 1965. The facility has been maintained and enlarged to its current capacity. The rotary cement kiln currently on-line was erected in 1965.

2) Holcim, quarries much of the essential raw materials within a quarry system located on the property. Additives such as gypsum, iron and alumina are purchased from various suppliers. Materials are crushed, milled and slurried through several systems prior to being fed to the kiln. Clinker is milled with gypsum to produce a cement powder, which is shipped in bulk quantities via rail, barge or truck.

3) Holcim, produces approximately 1,200,000 tons of Portland cement annually in a wet process rotary cement kiln. An average of 4,000 tons per day of clinker is produced, requiring an average of 15-22 tons per hour of pet coke/coal. Hazardous Waste Derived Fuels (HWDF) may be used to replace a significant portion of the pet cokelcoal required. Liquid waste fuels are fired through an axial burner in the pet coke/coal feed pipe. Solid waste fuels are conveyed with the pet coke/coal through the coal feed pipe, where the primary air stream carries the material into the kiln.

Type and Volume of Wastes

4) HWDF rail shipments are bulk liquid tank cars. The HWDF shipments are flammable chemicals, such as lubricants, solvents, coatings, adhesives, inks, etc., from petroleum, manufacturing and energy recovery sources. HWDF is managed to insure safe storage, comprehensive analysis according to regulatory requirements, treatment by fuels blending and co-processing for energy recovery,

5) In 2004 Energis received 182 railcars containing approximately 13,104 tons of HWDF which Holcim used to replace a portion of the pet coke/coal. For 2005, the thermal energy replacement was 8928 tons from 124 railcars. Railcars typically transport 16,000-25,000 gallons of liquid.

Effect of prop variance

6) The current regulations provide that:

> 10 CSR *25*-7.264 *(3)(B)* 2. *The owner/operator shall unload hazardous waste from an incoming railcar within (72) hours of receipt of the shipment.*

7) The current requirement for off-loading contained in 10 CSR 25-7.264 may result in an elimination of railcar business for Petitioner because it places Petitioner in an unfair business position with at least one competitor within Missouri and out-state competitors which allow ten (10) days to off-load railcars of HWDF. Petitioner must pay a $150.00/day demurrage charge from the BNSF to store railcars at their facility. Petitioner incurred costs of $42,989.00 in 2005 on railcar demurrage by not being able to meet the current 72 hour unloading requirement, placing the Petitioner in a business disadvantage without any corresponding benefit to the people of Missouri. (260.405.1, RSMo).

8) In addition, railcar scheduling and routing are not within Petitioner's control until a car is in close proximity to the Facility. When several incoming cars are delivered together off site, and Petitioner determines that it will not be able to unload them within seventy-two (72) hours, Petitioner must instruct the railroad to hold back the delivery of the railcar to the Facility. This means that the cars must be "staged" in a rail yard or siding where there are no special provisions for railcar security or spill response activities. In fact, in April, 2006, when a potential leak was discovered at the Burlington Northern Santa Fe (BNSF) West Quincy, MO. staging area, the BNSF contacted Petitioner to travel to its rail yard to assist in response activities.

9) The Petitioner seeks a variance from the requirement that such HWDF be unloaded within 72 hours and, instead allowing Petitioner, ten (10) days for unloading hazardous waste from an incoming railcar.

10) This proposed variance will provide the Petitioner with an improved opportunity to compete with in-state and out-of-state competition, and more importantly, will provide far greater safety and security for both human health and the environment.

Public Interest

11) Petitioner, as stated above, has been a respected business leader in the State, a responsible steward of the environment and a major stakeholder in the Pike County community for forty (40) years. In addition to the company providing excellent employment opportunities and tax-based support, many past and current plant employees have provided leadership, services and support to governmental, civic and charitable organizations. This proposed variance will help contribute to viable future operations of the facility.

12) Most significantly, by granting this variance, the Petitioner believes that threats to human health and the environment would be reduced if those cars were allowed to be "staged" on our property, because the petitioner would perform daily inspections by trained personnel. Further, as an added benefit to human health and the environment, prompt, on-site spill responses will occur, because equipment will be present.

Compliance History

13) In 1986, Petitioner was granted interim status under the Resource Conservation and Recovery Act (RCRA) to operate a waste management facility in which hazardous wastes were stored and prepared for use as fuel (fuels blending) in the cement kiln. Petitioner continued to operate under interim status for storage and treatment, and under Missouri Resource Recovery Certificate #RR0184 for the burning of hazardous waste. Petitioner applied for interim status for

the burning of hazardous waste in the cement kiln pursuant to the issuance of the Boiler and Industrial Furnace rules that were effective in August 1991. Holcim was issued its Final Hazardous Waste Management Permit on May 3,2000 (MOD029729688), and certified compliance with the Hazardous Waste Combustor MACT in September 2004.

14) The Petitioner has maintained a positive working relationship with MDNR and EPA officials through the years. Since 2003, when Holcim acquired 100% ownership and responsibility of the TSDF at the Facility from SafteyKleen and formed Energis LLC, there have been no Notices of Violation from the quarterly RCRA inspections conducted by the Missouri Department of Natural Resources Hazardous Waste Program.

Summary

15) The Petitioner believes that the variance will result in economic and logistical parity in the interstate marketplace and increased safety and security for the public and the environment, i.e., a win-win opportunity. As such, the Petitioner believes that the Department does not deem this variance to be substantive, and that the Department will support the variance petition before the Commission. The Petitioner's understanding is that the Department is considering a change in the regulations through the rulemaking process, and that a variance can be the viable procedural option in the interim.

WHEREFORE, for all the above reasons, Petitioner requests that its Petition be granted and for such further relief as is proper under the circumstances.

Dated: June 12,2006

Holcim (US) Inc.

Respectfully submitted by:

Alan Greer
Plant Manager
Holcim (US) Inc.
14738 Highway 79 North
Clarksville, MO 63336

Holcim (US) Inc./Energis LLC
Clarksville, MO.

Management Plan

For

Rail Tank Cars

June 10,2006

Holcim(US) Inc./Energis LLC
Rail Tank Car Management Plan

Energis LLC operates a Treatment, Storage and Disposal Facility (TSDF) to provide Hazardous Waste Derived Fuels (HWDF) for the Holcim (US) Inc. cement kiln located in Clarksville, Missouri. Receipt of rail tank cars at the site is needed to insure adequate quantities of bulk liquid HWDF for use as an alternative energy source. Holcim(US) Inc./Energis LLC has developed and implemented the following Rail Tank Car Management Plan as a minimum requirement for railcar management to comply with 10 CSR 25-7.264.

A. Holcim(US) Inc./Energis LLC submit this Rail Tank Car Management Plan as a supplement to Section 6.4.2 of their RCRA Part B application previously filed with the USEPA and the Missouri DNR. This plan describes the steps taken to comply with the regulations and will be kept at the facility.

B. Energis LLC will unload hazardous waste from incoming rail tank cars within the regulatory time limit, unless extended by variance or other formal written action in accordance with the Missouri Hazardous Waste Management Law and Regulations. The shipment will be sampled and approved by Energis LLC's fuel laboratory prior to unloading. Sampling and testing will be performed within the required time frame. Weekends and public holidays may extend this period by an additional 24 hours.

C. Should a load be rejected, as outside Energis LLC's Waste Analysis Plan acceptance criteria, the rejected load will be placed for return shipment and the railroad notified within 24 hours of the determination. The rejection, reason for the rejection, and date of decision will be documented in the facility operating record.

D. Energis LLC shall obtain a notification detailing when the rejected railcar was picked up from the facility and include the notification in the facility operating record.

E. Regulatory requirements and Corporate and Best Management Practice standards for facility design, construction, operation and maintenance will be followed to insure that adequate precautions are taken and followed in the handling and managing of bulk liquid railcars.

F. Design standards for rail tank cars are required by United States Department of Transportation (DOT) regulations. These standards assure the structural integrity of railcars to prevent accidental spills or releases from occurring during the normal movement and use during transit, including couplingluncoupling functions. With regard to planned prevention of a significant spill or release, the safe use of the cars is well established by the history of their use in industry.

G. Holcim (US) Inc./Energis LLC will provide adequate security for railcars. The facility has closed and locked chain link fencing for railcars in containment; there is no

fenced area for the siding. The facility is manned with a 24-hour workforce with regular inspection schedules. Railcars staged on sidings are visually unobstructed. The arrival of railcars is verified by Energis LLC personnel and documented on the Energis LLC Rail Tank Car Checklist (attached)

H. Energis LLC personnel inspect loaded rail tank cars staged onsite daily, looking for any sign of leaks or deterioration that may have occurred which has the potential for causing a leak or other environmental hazard. The rail unloading facility, track, and surrounding area will also be inspected daily. If a concern is noted by the inspection, appropriate action will be taken in accordance with Holcim (US) Inc./Energis LLC's emergency plans and procedures. The daily inspection is documented on the Railcar Facility Daily Inspection Checklist (Attachment 6-3 of the RCRA Part B Application).

I. Holcim (US) Inc./Energis LLC has Preparedness and Prevention and Contingency Plan procedures in the Part B application and a Spill Prevention, Control and Countermeasures (SPCC) plan in effect. These plans insure that Holcim (US) Inc./Energis LLC will continue to provide adequate preventative measures and equipment such as dikes, curbing and containment systems to handle leaks and spills should they occur. Copies of the Preparedness and Prevention, and Contingency Plan sections of the Part B Permit are included as an attachment to this plan.

J. Holcim (US) Inc./Energis LLC have an NPDES permit, which addresses the discharge of process water and stormwater from the facility. Stormwater falling on hazardous waste liquid storage areas, including the railcar unloading facility, is captured in concrete containment areas. The containment areas provide the opportunity to capture water that may have become contaminated. Areas of the staging rail siding outside of containment drain to a waterway where emergency control measures are provided to contain released materials. The control measures include dikes, spill response equipment and supplies, and gates within the waterway to control/inhibit flow.

K. Hazardous Waste Derived Fuels (HWDF) are a valuable source of energy for cement kilns, and are in demand. In the event of a catastrophic operational or financial impediment, a nearby kiln would readily utilize those fuels in our storage and staging areas. Reciprocal fuel utilization agreements are maintained between facilities.

L. This Plan will be updated on-site as necessary to reflect the best management practices for railroad tank car (railcar) deliveries to the site.

Alan Greer, Plant Manager
Holcim (US) Inc.

Holcim (US) **Inc./Energis** LLC

Supplement to Rail Unloading Procedure

Note: The **Energis** Customer Service Representative, Facility Manager or Lead Material Handler will communicate with the Rail Road Company (BNSF) and track the cars with our system. A copy of the **Manifest(s)** and Shipping papers will be faxed to the BNSF Weigh Billing Department in Topeka, Kansas. The original manifest will be sent by overnight courier service to the BNSF **Hazmat** office in Wichita, Kansas for acknowledgement and approval.

1. Rail Car arrives. The regulated time period begins when rail tank car is spotted on the Holcim siding and disconnected from the BNSF engine.

2. The Energis Lead Material Handler notes the time the railcar arrives on the Rail Tank Car Checklist.

3. The Lead Material Handler on shift updates the rail tank car inventory each morning, and initiates the appropriate inspections. The inspection forms are provided as an attachment.

4. Off-Loading Operations: Holcim Logistics:

   a. Proceed to move car to Energis Rail Unloading Facility.
   b. Unlock the gates to the Rail Unloading Facility.
   c. Place (spot) car in unloadinglstorage area.
   d. Chock rail car wheels.
   e. Set car's hand brake.
   f. Lock gates to Rail Unloading Facility.

5. When unloading rail tank car: Energis

   a. Energis Material Handler will draw sample from the car and deliver the sample to the Energis Lab.
   b. When analysis is complete, the Fuels Lab will notify the Lead Material Handler.
   c. Material Handler will proceed with car grounding and unloading procedures.

6. When the Unloading Process is Completed and the railcar is Empty:

    a. Energis (a-c): Perform procedures for final railcar closing and inspection and complete the Rail Tank Car Inspection Checklist as documentation that the railcar is ready for shipment.
    b. Contact BNSF to arrange for pick-up of the empty railcar.
    c. Notify Holcim that the railcar has been released.
    d. Holcim (d-i): Unlock the gates to the Rail Unloading Facility.
    e. Remove rail chocks.
    f. Move rail car.
    g. Lock the gates to the Rail Unloading Facility.
    h. Reset rail car hand brake after placing railcar on siding.
    i. Notify the Energis Lead Material Handler that railcar(s) have been moved to the siding.

7. During the off-loading process, Energis Material Handlers will determine the weight of the railcar contents to verify the manifested quantity. The weight may be determined by weighing the railcar, weighing the tanker transfers during unloading, or by measuring the volume in the railcar and using the railcar strapping chart and fuel density to calculate the weight.

8. BNSF will be notified by Energis Customer Service Representative, Facility Manager or Lead Material Handler that the car is released per the BNSF guidelines. The date and time of release will be documented. This notification must be made within the regulatory period.

10. Energis Personnel involved in railcar management, inspection and unloading are to track the car movements until the time that the railcar is actually released.

11. Energis Personnel are to ensure that all entries are properly documented on the Rail Tank Car Checklist and Inspection Sheets.

12. Handling of a Reiected Car: Any rejected car, based on analysis, must be resealed and transported to siding. The Energis Customer Service Representative, Facility Manager or Lead Material Handler will communicate this to the railroad within 24-hours. The rejection decision will be documented in the Energis operating rail log.

13. Initial Training for all Holcim and Energis employees involved in the handling, movement, unloading, inspection and documentation of this Rail Tank Car Management Plan will be conducted. Thereafter, annual refresher training will be conducted.

Energis LLC, Clarksville MO
Rail Tank Car Checklist

Tank Car No.:_____ Date Received:_____ Time_____

Generator:_____ Arrival Checklist Completed By:_____

Railcar Contents: **Hazardous / Non Hazardous / Used Oil/ Empty** (circle one)

Arrival Checklist	O.K.	Defective	corrected
No visual leaks, damage or defects and all placards present and in good condition			
All covers, manways, domes, bolts, and valves secured			

Date Spotted in Containment:_____ Time:_____ Int:_____

Checklist items not applicable to the car being inspected should be filled in as N/A in the O.K. Column.

SAMPLED AND INSPECTED BY:_____ total inches

Before Unloading / Loading Checklist	O.K.	Defective	Corrected
Chocks, stops in place, and locked where required, brakes on, connect ground cables			
Tank car number (agrees with above listed number)			
Ladders, platform, railings (not damaged, bent, broken, or unsafe)			
Contents positively identified (Lab HAS issued a card)			
Stop tank car connected sign is in place (yes)			
Safety valve and rail car tank inspection test dates OK?			
Product appliances securely fastened			
Wrench tight and not damaged: vapor valves, top and bottom unloading valves, vacuum relief valve			
safety valves, protective housing(s), bottom outlet operating mechanisms, and manway lid			
No evidence of leakage			
Vent car before opening dome lid or removing plug from unloading lines (if applicable)			

UNLOADED AND INSPECTED BY:_____

After Unloading/Rejecting/Loading Checklist	O.K.	Defective	Corrected
No material in dome housing			
Tank interior empty (verified by sticking car) Heel inches			
Dome lid or manhole covers (operable)			
* Dome lid hinge, hinge bolts, pin and chain (not broken or missing)			
* Covers (attached and operable)			
* Bolts on manhole cover operable			
* Manhole cover gasket (intact and clean)			
* Manhole cover closed and bolts secure (wrench tight)			
Vent and loading valves (closed, capped or plugged with chains attached (wrench tight))			
No evidence of leakage, Spills cleaned off			
Bottom outlet (closed; cap in place with chain attached)			
* Tighten bottom outlet closure with 36" wrench			
Ground cable removed			
Vapor hose removed, hoses and wash unit hoisted above car			
Safety valve and rail car tank inspection test dates OK?			
Make sure all placards are present and in good condition			
Three seals in place (MAKE NOTATION OF **SEAL(s)** NUMBER) No. No. No.			

THIS CAR HAS BEEN INSPECTED / PREPARED FOR SHIPMENT

BY:_____Date_____

RAILCAR FACILITY
DAILY FACILITY INSPECTION CHECK-LIST

Date: _____ Time: _____ Signed Name: _____ Title_____ Weather: _____ Temp.: _____deg.F

ITEM	TYPE OF PROBLEM	PASS	FAIL	OBSERVATIONS	DATE REPAIRED & BY
General Facility					
Security (Gates, Fencing, Doors)	Operational				
Plant Communication	Intercom/Walkie Talkies Operat.				
Pipe Line & Flanges- Burn Line	Drips/Leaks/Supports				
Water Supply	Operational				
Electrical Supply	Operational				
Pumps	Drips/Leaks				
Piping	Drips/Leaks				
Valves	Drips/Leaks				
Offloading Hoses	Drips/Leaks, Wear				
Secondary Containment	Cracks/Integrity/Precipitation				
Vapor Balance System	Abnormal Level of Odors				
Satellite Accum. Containers	Closed/Dated & Labeled				
Emergency Eye Wash Station Weekly (Monday)	Operational				
Fire Hydrant (run weekly- Monday)	Water flow adequate: no build-up in valve				
Railcars					
Valves	Drips/Leaks				
Equipment	Missing, Drips/Leaks				
Valve Posts	Locked				
Wheels	Chocks in Place				
Note: If railcar fails inspection, note car number below and comment as necessary.					
Railcar Number	**Comments:**				

ENERGIS LLC
CLARKSVILLE FACILITY
DAILY INVENTORY

DATE:
TIME:
OPER:
MONTH:

TANK NUMBER	DESIGN CAPACITY	MAX FILL LEVEL	LOST HL LEVEL	WORKING CAPACITY	PERCENT	GALLONS	POUNDS	MAX LEVEL
S-1	40000	36800	480	36320			#VALUE!	95%
S-2	40000	36800	480	36320			#VALUE!	95%
S-3	40000	36800	480	36320			#VALUE!	95%
S-4	40000	36800	480	36320			#VALUE!	95%
S-5	40000	36800	480	36320			#VALUE!	95%
BT-1	150000	142500	0	142500			0	100%
BT-2	250000	237500	0	237500			0	100%
BT-3	250000	237500	0	237500			0	100%

CUSTOMER NAME	TT#/Railcar	HEEW O L

S-TKS 0 #VALUE!

BT-TKS 0 0

TONS BURNED:	0.00
BURN RATE:	#DIV/0!
GALLONS BURNED:	#DIV/0!
HOURS UP:	0.0
KILN UPTIME %:	0%
SYN FUEL UPTIME %:	0%
GALLONS RECEIVED:	
AVERAGE S.G.	

# OF LOADED TANK TRUCKS ON SITE:	
# OF LOADED RAILCARS ON SITE:	
TOTAL HRS SYN FUEL OUT FROM PREVIOUS 24 HRS:	
# OF TRUCKS SCHEDULED:	
BURN RATE:	

FULL NON PUMPABLE DRUMS:		
WASTE SYN FUEL		
LAB WASTE WATER		
USED OIL		
CARBON DRUMS		
PARTS WASHER	(GENERATED ON SITE)	
FOAM		
	TOTAL	0

ENERGIS LLC.
CLARKSILLE FACILITY
DAILY INVENTORY PAGE 2

Operator:_____

Car No. & Customer	Arrival Date	Receipt/Status Full/Empty Empty heel=	Today's Status Loaded or Empty Empty heel=	Visual Inspection Any Leaks
1		Full/Heel=	Loaded/heel=	Yes/No
C				
2		Full/Heel=	Loaded/heel=	Yes/No
C				
3		Full/Heel=	Loaded/heel=	Yes/No
C				
4		Full/Heel=	Loaded/heel=	Yes/No
C				
5		Full/Heel=	Loaded/heel=	Yes/No
C				
6		Full/Heel=	Loaded/heel=	Yes/No
C				
7		Full/Heel=	Loaded/heel=	Yes/No
C				
8		Full/Heel=	Loaded/heel=	Yes/No
C				
9		Full/Heel=	Loaded/heel=	Yes/No
C				
10		Full/Heel=	Loaded/heel=	Yes/No
C				
11		Full/Heel=	Loaded/heel=	Yes/No
12		Full/Heel=	Loaded/heel=	Yes/No
C				
13		Full/Heel=	Loaded/heel=	Yes/No
C				
14		Full/Heel=	Loaded/heel=	Yes/No
C				
15		Full/Heel=	Loaded/heel=	Yes/No
C				